IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re patent application of:

Confirmation No. 8073

rances SAULT et al.

Applic. No.: 10/501,469

Art Unit: 1761

Filed: October 12, 2004

Examiner: Unassigned

For:

NOVEL FRUIT FILLINGS, METHODS FOR THEIR MANUFACTURE AND THEIR

USE IN NUTRITIONAL PRODUCTS

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56 and 37 CFR §1.97

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08A is a listing of documents known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. §1.56 and §1.97. A copy of each of the listed documents are being submitted to comply with the provisions of 37 C.F.R. §1.97-1.99.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or is considered to be material to patentability as defined in 37 C.F.R. §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

RELEVANCE

Documents A02-A03 came to the Applicants attention during a search of the corresponding international application. A copy of the European Search Report setting forth the portion of each reference considered relevant by the examiner is attached. The Search Report referencing document A01 was provided in the initial filing of the above-referenced application filed July 14, 2004.

TIMING/FEE

The instant Information Disclosure Statement is being filed in compliance with 37 CFR §1.97(b) prior to the mailing date of the first official action, therefore, no fee is required in connection with its filing. However, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A be returned in accordance with M.P.E.P. §609.

Respectfully submitted,

Date:

HELLER EHRMAN LLP 1717 Rhode Island Avenue, NW

Washington, D.C. 20036

Telephone:

(202) 912-2000

Facsimile:

(202) 912-2020

Patricia D. Granados Attorney for Applicant

Reg. No.: 33,683

Customer No. 26633

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no per large to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO Complete if Known **Application Number** 10/501.469 INFORMATION DISCLOSURE Filing Date October 12, 2004 STATEMENT BY APPLICANT First Named Inventor Frances SAULT et al. Group Art Unit 1761 (use as many sheets as necessary) Examiner Name Unassigned 38305-0018 Sheet Attorney Docket Number

				U.S. PATENT DOCL	MENTS	
Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant
		Number Kind Code ² (if known)				Passages or Relevant Figures Appear
_	A01	5,738,805	Α	4/14/98	CHAUNDY et al.	
					1	
-					<u> </u>	

FOREIGN PATENT DOCUMENTS											
Examiner Initials*	Cite No.1	Foreign Patent Document Office ³ Number ⁴ Kind Code ⁵ (if known)			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ₆			
	A02	JP	59192045		Q P CORP.	10/31/1984					
	A03	WIPO	00/05973	A1	Ottevangers, S., U.	2/10/2000					
			_								

	Date Considered
--	--------------------

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark hee if English language Translation is attached.